IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

Crl.MC.No. 3539 of 2007()

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CRIME NO. 603/07 OF KOTTARAKKARA POLICE STATION
CMP.8821/2007 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

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PETITIONER: ACCUSED 1 TO 3

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1. GEETHA RANI, D/O. LEELA,
   ALI MANZIL, NATAJI NAGAR, KIZHAKKEKKARA MURI,
   KOTTARAKKARA, KOLLAM.
   (SREERAGAM, KAITHATHEKKU MURI, KANNAMANGALAM
   VILLAGE, MAVELIKKARA, ALAPPUZHA).

2. ANANDARAJAN, S/O. KARUNAKARAN,
   ALI MANZIL, NATAJI NAGAR, KIZHAKKEKKARA MURI,
   KOTTARAKKARA, KOLLAM.
   (KARUNALAYAM, KANDALLOOR VADAKKU MURI,
   KAYAMKULAM).

3. VALSALA KUMARI, D/O. PANKAJAKSHI,
   ALI MANZIL, NATAJI NAGAR, KIZHAKKEKKARA MURI,
   KOTTARAKKARA, KOLLAM.
   (VALSALA BHAVAN, KUMARAPURAM, HARIPPAD).

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT & STATE

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STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, KOTTARAKKARA POLICE
STATION, KOLLAM DISTRICT, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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Crl.M.C.No. 3539 of 2007

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Dated this the 1st day of December, 2007

**O R D E R**

The petitioners are aggrieved by the conditions imposed on them when they were enlarged on bail as per order dt. 17.10.2007 by the learned J.F.M.C. Kottarakkara in a crime registered under Section 420 r/w. 34 I.P.C.

2. In the course of discussions at the Bar, the learned counsel for the petitioners submits that the petitioners are aggrieved by conditions 2, 3 and 5 imposed on them by the learned Magistrate.

3. Condition No.2 obliges the petitioners to make a cash deposit of Rs.5,000/- each. Condition No.3 obliges them to surrender their passports, if any. Condition No.5 obliges them to report before the Investigating Officer on all Mondays till final report is filed.

4. The learned counsel for the petitioners submits that because of conditions 2 and 3 the petitioners have not been able

to get themselves released on bail. They face grave financial difficulties. The direction to deposit Rs.5,000/- is virtually denying them the benefit of the bail order.

5. Notice was given. The learned Prosecutor does not raise any valid ground to insist on the condition of cash deposit. In a case like this, I am satisfied that the said condition can be suitably modified.

6. So far as conditions 3 and 5 are concerned, I find absolutely nothing wrong in the direction. The learned counsel for the petitioners submits that the petitioners do not have passports and are hence unable to surrender them. The petitioners need only file affidavits to report to the learned Magistrate that they have no passports. In that event, the same shall be accepted and surrender of the passports shall not be insisted. Condition No.5 regarding appearance before the Investigating Officer on all Mondays till filing of the final report is found to be absolutely justified and the same does not warrant interference.

7. This Crl.M.C. is allowed. Condition Nos. 1 and 2 shall stand modified. In supersession of conditions 1 and 2, it is directed that the

petitioners must execute bonds for Rs. 50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

**(R. BASANT)**
Judge

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